



This report is an EXCERPT from the:

Iowa Criminal and Juvenile Justice Plan

1998 Update

CJJP Division of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights

February, 1998

Restorative Justice

Community Policing

Electronic Monitoring
System

Substance Abuse
Treatment

Probation Entries To
Prison

Prison Population
Forecast
UPDATED! - SEE PUBLICATIONS -
RECENT REPORTS

Intermediate Criminal
Sanctions Plan

Equality In The Courts
Task Force

Sentencing Reform

Juvenile Justice
Comprehensive Strategy

Iowa Criminal and Juvenile Justice Plan -- 1998 Update

ABOUT THE REPORT

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range systems goals, special issue planning recommendations and research findings. CJJP's 1998 response to its reporting requirement is replicated in the manner of the distribution of the 1997 Update. Again this year, CJJP is issuing one large document which contains many separate reports. Single-issue 1998 Update reports will be made available based on reader interest and need.

Having utilized this disseminating approach of CJJP research and reports in 1997, it proved to be cost effective and responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

On the cover of this document is a listing of various topics that are the subject of separate CJJP reports issued in February 1998. To receive other 1998 reports, please contact CJJP as indicated below.

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long- range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

Reports on the issues listed below are being issued through CJJP's 1998 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJ PAC) and the Iowa Juvenile Justice Advisory Council (JJAC). A number of this year's reports contain council recommendations. Please note these recommendations were approved by CJJPAC.

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| • Restorative Justice | • Prison Population Forecast |
| • Community Policing | • Intermediate Criminal Sanctions Plan |
| • Electronic Monitoring System | • Equality in the Courts Task Force |
| • Substance Abuse Treatment | • Sentencing Reform |
| • Probation Entries to Prison | • Juvenile Justice Comprehensive Strategy |

Note: Several of the study issues contain information on the various initiatives being conducted in Iowa's eight judicial districts. A map of these districts is located in Appendix A of this report. This map will accompany those individual reports where a judicial district is identified within its contents.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1998 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJJP Administrator

Clarence Key, Jr.: “Restorative Justice”
“Community Policing”
“Electronic Monitoring System”
“Substance Abuse Treatment”
“Intermediate Criminal Sanctions Plan”
“Equality in The Courts Task Force”
“Sentencing Reform”

Lettie Prell: “Probation Entries to Prison”
“Prison Population Forecast”

Laura Roeder: “Prison Population Forecast”

The state prison population forecast was made possible through partial funding by the U.S. Department of Justice, Bureau of Justice Statistics and their program for State Statistical Analysis Centers. Points of view or opinions expressed in this report are those of the Division of Criminal and Juvenile Justice Planning, and do not necessarily reflect official positions of the U.S. Department of Justice.

TO RECEIVE ADDITIONAL CJJP 1998 UPDATE REPORTS

Reports on the issues listed on the previous page can be obtained by contacting CJJP:

Division of Criminal and Juvenile Justice Planning
Iowa Department of Human Rights
Lucas State Office Building
Des Moines, Iowa 50319

Phone: 515-242-5823
Fax: 515-242-6119
email: cjjp@max.state.ia.us

AVAILABILITY OF RELATED REPORTS:

The following CJJP reports are being released at this time separately from the Plan Update. To receive copies of the below listed reports, contact CJJP as described above.

- “Delinquency Resource Guide”, Dave Kuker, CJJP, 1998
- “Juvenile Crime Prevention Community Grant Fund Program”, Dave Kuker, 1998

MULTI-YEAR GOALS

INTRODUCTION

Iowa Code Section 216A.135 requires the Criminal and Juvenile Justice Planning Advisory Council (CJJPAC) to submit a long-range plan for Iowa's justice system to the Governor and General Assembly every five years. The first plan developed after the creation of the Division of Criminal and Juvenile Justice Planning was issued in 1990 and annually updated through 1994. Since 1992, appropriation law has required the CJJPAC to coordinate their planning activities with those of the Iowa Juvenile Justice Advisory Council (JJAC).

In 1995, these two councils developed a new plan consisting of a set of long-range justice system goals to assist policy makers and justice system practitioners as they plan and operate the justice system through the next twenty years. The statutory mandate for such long-range planning requires the identification of goals specific enough to provide guidance, but broad enough to be of relevance over a long period of time. The long-range goals adopted by these councils cover a wide variety of topics and attempt to offer a framework within which current practices can be defined and assessed. Collectively, these long-range goals are meant to provide a single source of direction to the complex assortment of practitioners and policy-makers whose individual concerns and decisions, collectively, define the nature and effectiveness of Iowa's justice system.

The twenty-year goals established in 1995 will be reviewed throughout the councils' statutorily defined five year planning period. They are presented again this year and will continue to be repeated until the councils' next five-year plan is due in the year 2000 or until their direction is deemed inappropriate or unnecessary. The goals presented and discussed below are meant to facilitate analyses and directions for the following areas of justice system issues and concerns:

PLANNING AREAS:

- **VIOLENCE REDUCTION AND CRIME PREVENTION**
- **PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM**
- **MINORITY OVERREPRESENTATION IN THE JUSTICE SYSTEM**
- **COORDINATION OF GOVERNMENT RESPONSIBILITIES AND SYSTEM OPERATIONS**
- **INFORMATION SYSTEMS -- PLANNING AND MONITORING**
- **TECHNOLOGY**
- **SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR ADULT OFFENDERS**
- **SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS**

To update the 1995 Plan, the CJJPAC and the JJAC directed staff to conduct new research and continue several initiatives during 1998. Following the review of the many studies, planning efforts, policy debates and other developments now underway in Iowa's justice system, the following concerns and initiatives were selected as most appropriate for the development of 1998 reports and recommendations:

1998 REPORTS:

Promising Approaches in dealing with Criminal Offenders

Restorative Justice
Community Policing
Electronic Monitoring System

Study Issues

Substance Abuse Treatment
Probation Entries to Prison
Prison Population Forecast

Systemic Planning and Development Activities/Updates

Intermediate Criminal Sanctions Plan
Equality in the Courts Task Force/Criminal Issues Committee/
Disproportionate Incarceration Rate of African Americans
Sentencing Reform
Juvenile Justice Comprehensive Strategy

Concerns and developments within these areas are considered by the councils to be of particular importance to the planning and administration of the justice system over the next several years. Much attention is being devoted to these areas, and it is the councils' hope that the information presented in this report will be of help as they and others continue to plan and implement system improvements around these areas.

LONG-RANGE JUSTICE SYSTEM GOALS FOR IOWA

No single goal adopted by the CJPAC and the JJAC and presented below is meant to take precedence over another. Just as the justice system is a complex system of many interrelated and overlapping components, these long-range goals should be viewed collectively as complementary to each other. In developing this plan, the CJPAC and the JJAC determined that such interrelated goals should be established to guide decision-making in the following issue areas:

VIOLENCE REDUCTION AND CRIME PREVENTION

GOAL: TO ESTABLISH IOWA AS THE STATE WITH THE LOWEST VIOLENT AND PROPERTY CRIME RATES IN THE NATION.

Achieve and maintain this status by preventing crime and reducing crime levels through:

- Community-specific crime prevention and early intervention leadership, plans and activities involving public officials, service organizations and community coalitions to address:
 - ◊ DOMESTIC VIOLENCE
 - ◊ CHILD ABUSE
 - ◊ SUBSTANCE ABUSE
 - ◊ TEEN PREGNANCY
 - ◊ PARENTING SKILLS AND FAMILY STABILITY
 - ◊ CITIZEN AND NEIGHBORHOOD EMPOWERMENT
 - ◊ TRUANCY AND DROPOUTS
 - ◊ MENTAL HEALTH SERVICE NEEDS
 - ◊ CRIMINAL GANG ACTIVITIES AND YOUTH PARTICIPATION IN GANGS
 - ◊ UNEMPLOYMENT
 - ◊ ECONOMIC OPPORTUNITIES
 - ◊ ILLITERACY
 - ◊ HOMELESSNESS
- Coordination of state, county and local law enforcement efforts that assures an appropriate sharing of costs, resources and intelligence information for crime prevention, criminal investigations and the apprehension of law violators.
- Defining, structuring, implementing and evaluating a continuum of sanctions and an array of services for adult offenders, delinquents and their families in their home communities that promote law-abiding behavior, family stability and community responsibility.
- Defining, structuring, implementing and evaluating monitoring practices that manage the risks presented by those delinquents and adult offenders providing community service and restitution or receiving community-based sanctions, education, training or counseling.
- Defining, structuring, implementing and evaluating a limited number of secure and other highly structured treatment facilities for a targeted group of delinquents selected according to their need for specialized services and their risk of reoffending.
- Developing and implementing policies and practices that assure the availability of jail and prison space to incapacitate habitual serious offenders and violent criminals.

PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM

GOAL: TO ESTABLISH STRONG PUBLIC OPINION THAT THE JUSTICE SYSTEM IS OPERATING EFFICIENTLY AND EFFECTIVELY.

Public opinion could be affected through:

- Visible enhancement of efforts to improve system efficiency and effectiveness.
- Acknowledgment and acceptance of a responsibility to educate the public (by elected officials, system practitioners, the media and others) of the inherent limitations of a system largely designed to react to individual's and society's problems and shortcomings.
- Better identification, documentation and reporting of effective policies, programs and sanctions.
- Increased likelihood of sanctions that hold offenders accountable and provide restitution to their victims and their communities.
- Increased likelihood of sanctions and offender programming, services and treatment that reduce repeat offending.
- Statewide consensus on appropriate sentence lengths, terms of imprisonment and the retributive and punitive nature of other sanctions.
- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies, and public participation in the development and review of system policies and activities.
- Better reporting and increased awareness of actual volume and nature of crime in Iowa.
- Increased victim supports and participation in the system.

MINORITY OVERREPRESENTATION IN THE JUSTICE SYSTEM

GOAL: TO HAVE ALL ASPECTS OF THE JUSTICE SYSTEM FREE OF BIAS, PERCEIVED BIAS AND DISPARATE TREATMENT OF OFFENDERS, VICTIMS OR WITNESSES.

Bias within the justice system has been documented or has been perceived to exist throughout system components and proceedings. Elimination of bias and the perception of bias can be sought through:

- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies and public participation in the development and review of system policies and activities.
- Increased public awareness of system policies, practices, operations and limitations.
- Appropriate and ongoing training of system officials and agency personnel.
- Development and strengthening of state, local and agency policies and practices that assure equality in offenders' and alleged offenders' exposure and access to the justice system's many and varied types of procedures, sanctions, levels of supervision, services and treatment.
- Development of supervision approaches, treatment programs and other services culturally and environmentally specific and appropriate to meet the needs of persons with diverse cultural backgrounds and life-styles.
- Recruitment and retention of minority persons in all levels of employment and volunteer activities throughout the justice systems.
- Identification and monitoring of statewide, local and agency-specific indicators of bias to enhance public awareness.
- Demonstration of efforts to eliminate bias in the justice system as a model for improving other social systems and institutions (e.g. education, child welfare, employment services, income assistance, substance abuse, mental health, economic development, etc.) whose effectiveness affects the size and nature of the justice system's case load.

COORDINATION OF GOVERNMENT RESPONSIBILITIES AND SYSTEM OPERATIONS

GOAL: TO ESTABLISH COMMUNITY-LEVEL PLANS AND ACTIVITIES THAT ASSURE EQUITABLE AND VIABLE JUSTICE SYSTEM SANCTIONS AND SERVICES THROUGH STATE POLICIES THAT PROMOTE EFFICIENT AND EFFECTIVE:

- **DISTRIBUTION OF RESPONSIBILITIES AMONG LOCAL, COUNTY, STATE, EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT;**
- **COORDINATION OF ALL COMPONENTS OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEM; and,**
- **COORDINATION AMONG THE JUSTICE SYSTEM AND OTHER SOCIAL AND GOVERNMENTAL SYSTEMS AND INSTITUTIONS.**

The list found below describes justice system components and responsibilities with interrelated purposes. The responsibilities for funding, administering and otherwise overseeing these components are now spread among the various branches and units of government. No readily visible, unifying principles or mandates assure their integration. Decisions may be made within one component that have a major impact on other components, but such impact may be either unforeseen or not planned for. Such a lack of coordination may occur at both the specific-case level and within local, regional and state level planning and policy development activities.

The funding and operational responsibilities for some of these components are currently undefined. For others, responsibilities may be shared to varying degrees by a number of governmental units. Still others may be administered unilaterally within narrow applications of component-specific mandates. Justice system components:

- Crime Prevention Programs and Services
- Early Intervention Programs and Services
- Law Enforcement
- Prosecution
- Defense
- Adjudication, Sentencing and Dispositions
- Victim Services
- Delinquency Intake and Waiver Proceedings
- Juvenile Diversion Programs and Services
- Juvenile Detention
- Case Management and Community Supervision of Delinquents
- Placement & Non-placement Programs and Services for Delinquents
- Adult Offender Diversion Programs and Services
- Pre-trial Release Procedures, Programs and Services
- Pre-trial Confinement in Jails and Lockups

- Case Management and Community Supervision of Adult Offenders
- Community-based Programs and Services for Adult Offenders
- Jails and [sentenced] Inmate Programming and Services
- Prisons and Inmate Programming and Services
- Probation Revocation Procedures
- Prison, Probation and Jail Release Procedures
- Parole Revocation Procedures

The decision-makers and various operational activities within some components of the justice system are, in many ways, the same for the criminal justice system and the juvenile justice system (e.g. crime prevention, law enforcement, prosecution, etc.). Many policies and components of the justice system, however, are unique to one or the other of these two related systems. ***Achieving the coordination of all components of the justice system will require additional intergovernmental and multi-agency efforts to plan and manage the interaction of programs and policies within and between the criminal and the juvenile justice systems.***

Both the criminal and the juvenile justice systems rely to a great extent on the resources and programs of other social and governmental systems and institutions to provide treatment and other services to offenders and victims and to support agency operations. Also, the justice system often intervenes in situations involving interactions among other systems' programs, services and clients. ***Equally important as a coordinated justice system is a justice system whose policies and practices are coordinated with the policies and practices of other governmental systems, including:***

- Education
- Public Health
- Mental Health, Mental Retardation and Developmental Disabilities
- Civil Rights
- Employment & Job Training
- Substance Abuse
- Public Welfare
- Child Abuse and Neglect

It is at the community level where system inefficiencies and ineffectiveness are most visible, and it is at the community level where the best chance exists for achieving true coordination of activities. ***State and county policies controlling funding, programs and operations should empower communities to develop and support coordinated approaches that are efficient and effective and that are consistent with the statewide goals of assuring equitable and viable justice system sanctions and services.*** Officials and agencies should be given the authority, responsibility and resources to accomplish these goals at the community level.

INFORMATION SYSTEMS—PLANNING AND MONITORING

GOAL: TO ESTABLISH INTEGRATED JUSTICE SYSTEM INFORMATION REPORTING CAPABILITIES AND PROCEDURES THAT PROVIDE PRACTITIONERS, OFFICIALS AND POLICY MAKERS WITH THE INFORMATION THEY NEED TO CARRY OUT THEIR RESPONSIBILITIES AND TO MONITOR AND EVALUATE JUSTICE SYSTEM POLICIES AND PROGRAMS.

Information systems to more fully develop, improve and integrate:

- Incident-Based Uniform Crime Reports
- Criminal History Records
- Prosecution Activities and Outcomes
- Iowa Court Information System
- Department of Corrections Information Systems
- Department of Human Services Information Systems
- Division of Substance Abuse and Health Promotion Information Systems
- Other

Information needed from data systems:

Case-specific data for:

- Investigations and arrests
- Background checks
- Release/custody decisions
- Adult court charging and sentencing decisions
- Juvenile court intake and disposition decisions
- Supervision, service and treatment planning and monitoring
- Program and service eligibility determinations
- Other

State, local and program-specific aggregate data for:

- Budget development and resource allocation
- Policy & program evaluation and monitoring
- Other

TECHNOLOGY

GOAL: TO UTILIZE ADVANCED TECHNOLOGIES THAT MAXIMIZE EFFICIENCY, SUPPORT PROGRAM AND POLICY EVALUATIONS AND PROMOTE EFFECTIVE AND EQUITABLE JUSTICE, SERVICES, AND PUBLIC PARTICIPATION.

System operations include:

- Investigation and discovery
- Court proceedings
- Incarceration and detention
- Offender supervision, services and treatment
- Fine assessment and collection
- Victim services and treatment
- Mediation services
- Witness assistance
- Jury selection and support
- Community crime prevention and public participation
- Administration, planning, evaluation and monitoring
- Other

Advanced technology areas:

- Data collection, management and reporting
- Communications
- Transportation
- Forensics
- Surveillance, monitoring and supervision
- Crime prevention through environmental design
- Office and facility operations
- Planning and evaluation methodology
- Education and training for:
 - ◊ offenders
 - ◊ system officials and practitioners
 - ◊ citizen groups and general public

SANCTIONS, SUPERVISION, TREATMENT, AND SERVICES FOR ADULT OFFENDERS

GOAL: TO ADMINISTER SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR ADULT OFFENDERS THAT ARE EQUALLY ACCESSIBLE AND APPLIED CONSISTENTLY ACROSS THE STATE AND THAT HAVE BEEN DOCUMENTED AS EFFECTIVE IN THEIR ABILITY TO:

- **DETER OFFENDERS AND POTENTIAL OFFENDERS FROM ENGAGING IN FUTURE CRIMINAL BEHAVIOR;**
- **PROTECT THE PUBLIC AND MANAGE OFFENDER RISKS IN A COST EFFECTIVE MANNER USING LEAST RESTRICTIVE, APPROPRIATE MEASURES;**
- **PROVIDE ADULT OFFENDERS WITH THE REQUIREMENT AND OPPORTUNITY TO MAKE REPARATION TO THEIR VICTIMS; and,**
- **PROVIDE ADULT OFFENDERS THE OPPORTUNITY TO MAINTAIN, REGAIN OR ACHIEVE THE CAPACITY TO REMAIN IN, OR RETURN TO, THE GENERAL POPULATION AS LAW ABIDING, CONTRIBUTING CITIZENS.**

Achieving this goal will involve the continuation or development of a variety of activities and initiatives:

- Determining the relative deterrent effects of sanctions with different conditions, intensities and time periods (jail, prison, probation monitoring and programming, intensive supervision, community service, fines, etc.) and determining how such deterrent effects vary for people with different backgrounds, education and skill levels, impulse control and rational-thinking capacities, ties to family and community, etc.
- Establishing or strengthening risk assessment and risk management procedures for all stages of justice system decision-making.
- Defining, structuring and supporting the use of intermediate sanctions and improving offender assessment and monitoring tools to help court, parole, and correctional officials select and provide sanctions, supervision, treatment and other services that are appropriate to offenders' needs and the public safety risks they present.
- Ongoing review and improvement of the ability of prisons and jails to serve as deterrents, to incapacitate habitual repeat

offenders and violent predators, and to provide treatment and services needed by incarcerated offenders who will be returning to the general population to increase their skills and capacities to be law abiding, contributing citizens.

- Expanding current capacity to evaluate the effectiveness of sanctions, supervision and monitoring procedures, offender treatment and other services.
- Enhancing prison and jail work programs to provide inmates with income with which to make restitution, and strengthening community-based programs' activities to facilitate offender restitution, community service and other forms of victim/community reparation.
- Providing initial, ongoing and coordinated training for the system's many officials and practitioners to facilitate system improvements and to encourage more effective integration of system components.

SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS

GOAL: TO ADMINISTER SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS THAT ARE EQUALLY ACCESSIBLE ACROSS THE STATE AND THAT HAVE BEEN DOCUMENTED AS EFFECTIVE IN THEIR ABILITY TO:

- **DETER JUVENILE OFFENDERS AND POTENTIAL OFFENDERS FROM ENGAGING IN FUTURE CRIMINAL BEHAVIOR;**
- **PROTECT THE PUBLIC AND MANAGE OFFENDER RISKS IN A COST EFFECTIVE MANNER USING LEAST RESTRICTIVE, APPROPRIATE MEASURES;**
- **PROVIDE JUVENILE OFFENDERS WITH THE REQUIREMENT AND OPPORTUNITY TO MAKE REPARATION TO THEIR VICTIMS; and,**
- **ASSURE THAT JUVENILE OFFENDERS RECEIVE THE PROTECTION, TRAINING, DISCIPLINE, BASIC LIVING NECESSITIES AND CARE AND TREATMENT GUARANTEED ALL CHILDREN IN IOWA.**

Achieving this goal will involve the continuation or development of a variety of activities and initiatives:

- Determining the relative deterrent effects that sanctions with different conditions, intensities and time periods have on children and youth (group placement and treatment facilities, State Training School, probation monitoring and programming, intensive supervision, community service, restitution, waivers to adult court, etc.) and determining how such deterrent effects vary for children and youth with different backgrounds, education and skill levels, impulse control and rational-thinking capacities, ties to family and community, etc.
- Establishing or strengthening risk assessment and risk management procedures for all stages of juvenile justice system decision-making.
- Defining, structuring and supporting the use of a range of community-specific early intervention services and dispositional options and improving assessment and monitoring tools to help the court and human service officials select and provide supervision, treatment and other services to juveniles and their families that are least restrictive and appropriate to the needs of juvenile offenders and to the public safety risks they present.

- Expanding current capacities to evaluate the effectiveness of sanctions, supervision and monitoring procedures, treatment and other services to juveniles and their families.
- Strengthening efforts in cases involving both placement and non-placement supervision and services to facilitate restitution, community service and other forms of victim/community reparation.
- Developing policies, procedures and funding approaches that allow for offender-specific continuity between the juvenile justice and adult correctional systems of supervision, treatment and services.
- Providing initial, ongoing and coordinated training for the system's many officials and practitioners to facilitate system improvements and to encourage more effective integration of system components.
- Providing training to community members to assist them identify community risks and protective factors related to juvenile delinquency, and to aid their efforts to reduce risks, strengthen protective factors, prevent juvenile crime and respond appropriately to the needs of their children and youth.

HOW CAN THESE GOALS BE ATTAINED?

As was stated when these goals were first introduced, many officials, practitioners and others will need to agree with these goals and work towards them cooperatively. This report, however, is primarily intended to serve as a guide to the Governor and General Assembly as they continue to respond to proposals and to develop initiatives to address immediate justice system issues and concerns. The goals were developed in recognition of much-publicized concerns and debates over crime and delinquency; they are offered to provide the state with a long-range vision with which to view the appropriateness of proposed reactions to current concerns.

When these goals were first established in 1995, it was recommended that no justice system policy or program change be made without a documented consideration of the extent to which the change will assist, and not hinder, the state's ability to attain these long-range goals. Because this has not occurred, the above information accompanying each goal statement is repeated again this year with the hope that it will assist decision makers as they seek funding priorities and policy and program initiatives to achieve comprehensive, long-term system improvements and a more effective criminal and juvenile justice system.

STUDY ISSUE UPDATE

INTERMEDIATE CRIMINAL SANCTIONS PLAN

Following the recommendations of an Intermediate Criminal Sanctions Task Force, the 1996 General Assembly created the Intermediate Criminal Sanctions Chapter 901B in the Iowa Code. This law defines a corrections continuum and intermediate criminal sanctions policies designed for the voluntary use by the eight judicial district departments of correctional services.

The continuum includes five levels of sanctions ranging from the least restrictive sanction (fines) to the most restrictive sanction (incarceration). Its development is intended to be utilized to modify criminal behavior with the expectation that the offender will respond positively to incremental sanctions and supervision. This community based offender management tool is another instrument for Community-Based Corrections (CBC) officials to utilize in assisting offenders to comply with the terms and conditions of their release agreement.

The statute provides for the CBC's in the eight judicial districts to voluntarily use this concept. If it decides to utilize this paradigm, the district must develop a plan which must be filed with the chief judge of the judicial district.

To date, the second, third, sixth and eighth judicial district departments of correctional services have initiated specific efforts to determine the feasibility, applicability and compatibility of developing their own intermediate criminal sanctions program and plans (It should be noted that the 2nd judicial district's intermediate sanction policy group has since determined that it would not be feasible for them to implement the sanctions program or devise and submit a plan).

While all judicial district departments of correctional services use a variety of intermediate criminal sanctions, only the third judicial district department of correctional services has actually developed and filed an intermediate criminal sanctions program and plan in accordance with the aforementioned legislation. Given that only one district has recently approved a plan, the effectiveness of Iowa's intermediate criminal sanctions laws is yet to be determined.

In February of 1997, the Iowa Department of Corrections reviewed the districts' activities to implement the corrections continuum/intermediate criminal sanctions program. The districts were asked three questions in regard to the intermediate criminal sanctions plan. "Have any steps toward the implementation of an Intermediate Criminal Sanctions Plan occurred?" "Have barriers been identified which stand in the way of implementation?" "Are there resources needed to implement a plan?"

Below is a summary of the issues reported by the districts in reference to the questions regarding the intermediate criminal sanctions program.

Have any steps toward the implementation of an intermediate criminal sanctions plan occurred?

- 1) All districts seem to be actively working to develop or improve specific intermediate criminal sanctions, although not all have done so as part of an intermediate criminal sanctions plan that follows the provisions of Chapter 901B, the Code of Iowa.
- 2) Some districts, while perhaps not developing a plan, are incorporating the intermediate criminal sanctions corrections continuum concept into their staff training activities.
- 3) Several districts report active planning to develop the plan as envisioned in 901B, the Code of Iowa.

Have barriers been identified which stand in the way of implementation?

- 1) Time. This includes meeting times, coordination of schedules and education of all participants to ensure that each individual has the same investment and knowledge base. Additional time issues center around data collection.
- 2) Involvement. Participants must be committed to the process and willing to be involved in the continuum progression.
- 3) Concern was expressed that a formalized plan would limit flexibility that the districts currently utilize, as well as add confusion to a process that has numerous “players”, i.e. judges, attorneys (prosecutors and defenders), other court personnel, district staff and community agencies.

Are there resources needed to implement a plan?

- 1) Some districts did not respond with any resource needs specific to the development of the plan; however, they did indicate the need for new resources to support additional or expanded intermediate criminal sanctions (e.g. education programs, electronic monitoring, day reporting, additional field staff, ISP, residential and jail beds, etc.).
- 2) Other district administrative activities demand too much time to devote sufficient time to developing an intermediate criminal sanctions plan.
- 3) One district suggested the use of incentives to encourage the development of intermediate criminal sanctions plans as a priority activity. One specific incentive was suggested -- that of tying district budget requests for new or expanded intermediate criminal sanctions to the development of the intermediate criminal sanctions plan.

Comments

Since the establishment of the Intermediate Criminal Sanctions law, the judicial district departments of correctional services have discussed and reviewed collectively and individually the feasibility of implementing an intermediate criminal sanctions program in their districts.

Presently, only one district (3rd) has developed and filed a program and plan. It appears that two others (6th and 8th) will also be doing so.

While the other five judicial districts have a wide assortment of intermediate criminal sanctions, they have decided against implementing a sanctions plan in the manner suggested by the legislation. It should be noted that implementation of a sanctions program/plan is “voluntary” and the districts are under no statutory mandate to develop the plan.

The intent of the intermediate criminal sanctions legislation was to provide structure for the various criminal justice system’s sanctions in a manner that imposes offender compliance by imposing the least restrictive to the most restrictive sanction. It was designed to provide community-based corrections officials and judges a clearer understanding of the sanctions that are available to them when making sanctioning decisions and to increase the flexibility of corrections officials’ ability to move offenders up and down the continuum of sanctions according to their supervision and service needs. Long term goals of the intermediate criminal sanctions program are to reduce revocations, increase offender terms and condition compliance and perhaps contribute to a decrease in the prison population.

Three of the judicial districts have determined this approach could enhance and perhaps strengthen their on-going sanctions initiatives. Once these three districts have had time to utilize their sanction programs, results can be assessed that may encourage the others to take a second review of the legislation and begin their own implementation process.

RECOMMENDATIONS:

The Council reiterates its recommendation from its 1997 Update Plan:

The Council recommends that the state’s district departments of correctional services develop the intermediate criminal sanctions plan as provided in Section 901A.1. The Council recommends the judicial department participate in the development of the districts’ intermediate criminal sanctions plan. The Council also recommends that the department of corrections and the legislature develop funding and other policy incentives to encourage the development of intermediate criminal sanctions plans.